

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mingte Chen; Anil Kumar Annadata; Leon Chan  
Assignee: Siebel Systems, Inc.  
Title: Adaptive Communication Application Programming Interface  
Serial No.: 09/823,828 Filed: March 31, 2001  
Examiner: Unknown Group Art Unit: 2348  
Docket No.: SBL0006US

#11  
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PETITIONS OFFICE

Austin, Texas  
October 2, 2003

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

RENEWED PETITION FOR REVIVAL UNDER 37 CFR 1.137(f)

Dear Sir:

Applicants respectfully request to renew the petition filed on June 18, 2003 under 37 CFR §1.137(f) to revive the above-referenced application. In the Decision on Petition mailed August 28, 2003, the petition was dismissed for failure to satisfy element (1) of the reply requirement, as restated below:

A petition under 37 CFR §1.137 (f) must be accompanied by:

- (1) the reply, which is met by revocation of the non-publication request and Notice of the filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 C.F.R. §1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

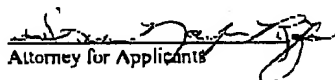
Applicant provides the following as evidence that the reply requirement has been satisfied:

- (1) A copy of the Request to Rescind Previous Non-Publication Request filed April 8, 2002; and
- (2) A copy of the Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing, indicating the filing date of the above-identified application as March 29, 2002.

If any fee is required, the United States Patent and Trademark Office is authorized to charge Deposit Account 502306. Any inquiries concerning this matter should be directed to Applicants' attorney shown below at (512) 439-5086.

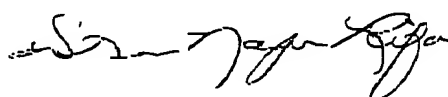
Certificate of Facsimile Transmission

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Office of Petitions, Fax Number (703) 308-6916 on October 2, 2003.

  
Attorney for Applicants

10/2/03  
Date of Signature

Respectfully submitted,



D'Ann Naylor Rifai  
Attorney for Applicants  
Reg. No. 47,026  
Telephone: (512) 439-5086  
Facsimile: (512) 439-5099

PTO/SB/64a (05-03)

Approved for use through xx/xx/200x. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL  
FILING (37 CFR 1.137(f))**

Docket Number (Optional)

SBL0006US

First named inventor: **Mingte Chen**Application No.: **09/823,828**Art Unit: **2151**Filed: **March 31, 2001**Examiner: **Unassigned**Title: **Adaptive Communication Application Programming Interface**

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX: (703) 308-6916

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NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION  
UNDER 37 CFR 1.137(b)

## 1. Petition fee

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ **1,300.00** (37 CFR 1.17(m))

## 2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after filing. The filing date of the subsequently-filed foreign or international application is **March 29, 2002**.

(Page 1 of 1)

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 10 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64a (05-03)

Approved for use xx/xx/200x. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

[NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

June 18, 2003

Date

Telephone

Number: 512-439-5086

Signature

D'Ann Naylor Rifkin

Typed or printed name

4807 Spicewood Springs Rd., Bldg.4, Suite 201

Address

Austin, TX 78759Enclosures: ☐ Fee Payment☐ Additional sheets containing statements establishing unintentional delay☒ Other: Transmittal Letter authorizing payment from Deposit Account and indicating Express Mail Label Number for delivery of Petition.

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-8916.

Date

Signature

Type or printed name of person signing certificate


PTO/SB/27 (08-00)

**REQUEST TO RESCIND  
PREVIOUS NONPUBLICATION  
REQUEST  
35 U.S.C. 122(b)(2)(B)(ii)**

Application Number	09/823,828
Filing Date	March 31, 2001
First Named Inventor	Mingle Chen, Anil K. Annadata, Leon Chan
Title	Adaptive Communication Application Programming Interface
Atty Docket Number	M-11530 US
Group Art Unit	2152
Examiner	Unassigned

I hereby rescind the previous request that the above-identified application not be published under 35 U.S.C. 122(b).

April 8, 2002  
Date

  
D'Ann Naylor  
Reg. No. 47,926

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**PETITIONS OFFICE**

37 CFR 1.213(b) provides for rescinding a previously filed request that an application not be published under 35 U.S.C. 122(b). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. SEND TO: Commissioner for Patents.

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CAMPBELL STEPHENSON  
ASCOLESE, LLP  
4807 SPICEWOOD SPRINGS RD.  
BLDG. 4, SUITE 201  
AUSTIN TX 78759

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AUG 28 2003

OFFICE OF PETITIONS

In re Application of  
Chen, et al.  
Application No. 09/823,828  
Filed: 31 March, 2001  
Attorney Docket No.: SLB0006US

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: DECISION ON PETITION  
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This is a decision on the petition filed on 18 June, 2003, to revive the instant nonprovisional application under the provisions of 37 C.F.R. §1.137(f), and considered as a petition under 37 C.F.R. §1.137(b).<sup>1</sup>

The petition is **DISMISSED**.

**NOTES:**

- (1) Any petition (and fee) for reconsideration of this decision under 37 C.F.R. §1.137(f) (a request for relief under 37 C.F.R. §1.137(b)) must be submitted within two (2) months from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should

<sup>1</sup> Effective December 1, 1997, the provisions of 37 C.F.R. §1.137(h) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 C.F.R. §1.137(b). a grantable petition filed under the provisions of 37 C.F.R. §1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 C.F.R. §1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 C.F.R. §1.20(d)) required pursuant to 37 C.F.R. §1.137(c). (Emphasis supplied.)

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include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.137(f)";

Thereafter, there will be no further reconsideration of this matter.

### ANALYSIS

A petition under 37 C.F.R. §1.137(f) must be accompanied by:

- (1) the reply, which is met by revocation of the non-publication request and Notice of the filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 C.F.R. §1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition fails to satisfy item (1).<sup>2</sup>

Further correspondence with respect to this matter should be addressed as follows:

By mail: (Effective 1 May, 2003)<sup>3</sup>  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

By FAX: (703) 308-6916  
ATTN.: Office of Petitions

By hand: Crystal Plaza Four, Suite CP4-3C23  
2201 South Clark Place  
Arlington, VA 22202

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<sup>2</sup> See: Form PTO/SB/36, a copy of which is enclosed. Such materials may be found at <http://www.uspto.gov/web/forms/index.html>

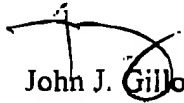
<sup>3</sup> To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at [www.uspto.gov](http://www.uspto.gov)

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Telephone inquiries concerning this decision may be directed to the undersigned at (703) 305-9199.

  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

Encl.: Form PTO/SB/36

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